

Tuesday, 21 May, 1946

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INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Chambers of the Tribunal  
War Ministry Building  
Tokyo, Japan

PROCEEDINGS IN CHAMBERS

On the Request for Temporary Parole  
For Accused HIROTA, Koki  
to Attend the Funeral of his Wife

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Before:

HON. SIR WILLIAM WEBB, President of the  
Tribunal and Member from the  
Commonwealth of Australia;

HON. E. STUART MC DOUGALL, Justice,  
Member from the Dominion of Canada;

HON. HENRI BERNARD, Member from the  
Republic of France;

HON. BERNARD VICTOR A. ROLING, Member  
from the Kingdom of the Netherlands;

HON. ERIMA HARVEY NORTHCROFT, Justice,  
Member from the Dominion of New Zealand;

HON. I. M. ZARYANOV, Justice, Member from  
the Union of Soviet Socialist  
Republics;

HON. LORD PATRICK, Member from the  
United Kingdom of Great Britain  
and Northern Ireland;

HON. R. B. PAL, Member from India.

A P P E A R A N C E S

Defense Section:

Beverly M. Coleman, Captain, USNR,  
Chief of Counsel, and HANAI, Tadashi,  
for the applicant-accused HIROTA, Koki.

Prosecution Section:

Mr. Willis Mahoney, for Mr. Joseph B.  
Keenan, Chief of Counsel, acting on  
behalf of the United States of America.

For the Office of the General Secretary, IMTFE:

Vern Walbridge, Colonel, CAC,  
General Secretary;

G. W. Hanley, Lieutenant Colonel, FA,  
Executive Officer;

Edward H. Dell, Legal Adviser to the  
Secretariat; and

G. Walter Bowman, Clerk of the Court.

The proceedings were begun at 0910.

(Lanny Miyamoto, official interpreter,  
acted as interpreter.)

Upon motion by Mr. Justice Northcroft,  
seconded by Mr. Justice Patrick, that the matter of  
the "Request for Temporary Parole for Accused Koki  
HIROTA to Attend the Funeral of his Wife" be reopened  
by the Tribunal, the following proceedings were had:

THE PRESIDENT: The majority agree to the  
matter being reopened. Bring in counsel for the  
applicant-accused; counsel for the prosecution, too.

CAPTAIN COLEMAN: I have just accompanied  
Mr. HANAI, who is presenting this petition which is  
an application for a reconsideration of the request  
which he submitted yesterday for permission to the  
defendant, HIROTA--

THE PRESIDENT: I will tell you: The matter  
has been reopened because some Members of the Court,  
although available and summoned, did not receive the  
summons, and we have decided to reopen the matter on  
that ground only.

CAPTAIN COLEMAN: I might undertake to  
explain the nature of the funeral service which dif-  
fers from that with which we are accustomed.

The actual burial took place yesterday; but,

under the religious procedure here, it is customary for the husband of the deceased, at the completion and as part of the actual religious funeral ceremony, to spend twenty-four hours at the grave at which he prays for the departed wife. That is the part of the formal funeral ceremony which has not yet been completed.

THE PRESIDENT: I thought he might be allowed to see his wife's body, under safeguard, but she is cremated; the funeral is completed?

CAPTAIN COLEMAN: The actual burial was held yesterday.

THE PRESIDENT: He won't see her now; she is gone forever as far as he is concerned.

CAPTAIN COLEMAN: He would not see the body.

THE PRESIDENT: It is merely to take part in a religious ceremony?

CAPTAIN COLEMAN: Yes, sir; that is part of the ceremony.

That is my limited understanding of the religious ceremony, but I thought Mr. Hanai, the Japanese counsel, might be able to clear up any questions that might arise in connection with the importance of that part of the ceremony to the funeral ceremony as a whole.



THE PRESIDENT: The situation is this: She died on Saturday; we got an application on Monday afternoon to attend the ceremonies after she is already buried, and this is merely a religious ceremony which he desires to attend.

CAPTAIN COLEMAN: I am told by Mr. HANAI that it is all part and parcel of the funeral service and ceremony as a whole -- this last portion -- to which, I understand, they attach great importance; and it cannot be completed until the defendant--

THE MEMBER FROM THE DOMINION OF NEW ZEALAND: Can we hear the Japanese upon it? He can explain all that, can't he?

CAPTAIN COLEMAN: (To interpreter) Will you first have Mr. HANEI explain to you just what he wishes, what permission he asks--

THE MEMBER FROM THE DOMINION OF NEW ZEALAND: What he wants and why he wants it.

THE PRESIDENT: Who is he, a witness? He ought to be sworn if he is.

CAPTAIN COLEMAN: He is the counsel representing -- he is speaking on behalf of his petitioner.

THE PRESIDENT: He wasn't counsel yesterday.

CAPTAIN COLEMAN: Yes, sir; he is the counsel of record.

THE PRESIDENT: Oh, yes; yes.

INTERPRETER MIYAMOTO: He is representing Mr. HIROTA, and they have finished the temporary funeral yesterday afternoon with this -- just the family members, and they would like to have Mr. HIROTA back so they can finish the funeral and with friends, and so forth -- relatives, and so forth.

THE PRESIDENT: How long will it take to finish it?

INTERPRETER MIYAMOTO: Before the funeral is completed, two days.

THE MEMBER FROM THE DOMINION OF NEW ZEALAND: Is it possible for all this to be done by Mr. HIROTA surrounded by policemen all the time, or would it be necessary for him to be alone?

INTERPRETER MIYAMOTO: Yes. The answer is "yes."

THE MEMBER FROM THE DOMINION OF NEW ZEALAND: What does he mean by that?

INTERPRETER MIYAMOTO: Well, with the police accompanying Mr. HIROTA, the funeral and so forth can be done.

THE MEMBER FROM THE DOMINION OF NEW ZEALAND: Can it be done in less than forty-eight hours -- less than two days?

INTERPRETER MIYAMOTO: Well, he says it is possible, and he wishes to do with not less than forty-eight hours.

THE MEMBER FROM THE DOMINION OF NEW ZEALAND:  
What is the shortest time?

INTERPRETER MIYAMOTO: The minimum would be twenty-four hours.

THE MEMBER FROM THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND: Could you find out -- we were told yesterday that there would be some hundreds of people there in and about the ceremony. Is that right or is it wrong?

INTERPRETER MIYAMOTO: Ordinarily there would be so many people as mentioned; however, just close friends and relatives will be informed, and there will not be many people as has been mentioned, but there is a possibility that there may be.

THE MEMBER FROM THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND: There is a possibility that there may be. Then, one thing more that I am thinking about.

What happens if a Japanese, a soldier -- shall we say a General -- is abroad in Manchuria in service, and his wife dies? When does the husband perform this part of the funeral ceremonies? Can he do it

at any time?

INTERPRETER MIYAMOTO: The funeral would be carried out upon his return from the front -- in other words, whenever he has time; or, after his mission is completed, he will come back; then the formal ceremony will be completed.

THE PRESIDENT: Couldn't this be postponed in the hope that HIROTA might be free some day?

INTERPRETER MIYAMOTO: Mr. HANAI thinks that, consulting with Mr. HIROTA'S family, that may be arranged. That is an assumption on Mr. HANAI'S part.

THE PRESIDENT: That it could be postponed until he becomes free, if he does become free? I think that settles it as far as I am concerned.

INTERPRETER MIYAMOTO: Mr. HANAI thinks that there is a good possibility that it may be able to be postponed until Mr. HIROTA--

THE PRESIDENT: Do you wish to hear anything further?

The counsel and all except the Judges will withdraw.

(Thereupon, following a five-minute conference of the Members of the Tribunal, the proceedings were continued as follows:)



THE PRESIDENT: Because it is now clear that this funeral can be postponed until the applicant becomes free, if ever he does become free again, the application is refused.

INTERPRETER MIYAMOTO: He understands, sir.

(Whereupon, at 0940 the proceedings were concluded.)

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